

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MARK PANNEK, et al.,

Plaintiffs,

V.

U.S. BANK NATIONAL ASSOCIATION,

Defendant.

: Case No. 1:19-cv-00852
:
:
: Judge Matthew W. McFarland
:
: **DECLARATION OF MARK**
: **PANNEK IN SUPPORT OF**
: **PLAINTIFFS' MOTION IN**
: **OPPOSITION TO SUMMARY**
: **JUDGMENT**
:

I, Mark Pannek, hereby certify pursuant to 28 U.S.C. § 1746 that the statements set forth below are true and correct to the best of my knowledge, information and belief:

1. I have personal knowledge of the information presented herein.
2. I worked for U.S. Bank National Association from August 2017 until May 2018.
3. At the time of my hire I had over thirty-five years in Governance, Risk, and Compliance directly within the banking industry, and was widely regarded as an expert in Third Party Risk Management best practices and implemented similar programs for other Tier 1 financial institutions, including JP Morgan Chase Bank, Citi Bank, Fidelity, among others. I have attached a copy of my resume (Attachment 1), which includes positions I worked at from 1997-2017.
4. I was recruited by Thomas Strotman, who remained my direct supervisor from August until approximately November 2017.
5. After starting with the Bank, I immediately began addressing the known deficiencies in Third Party Risk Management. I prioritized the Third Parties by criticality to U.S. Bank. I then re-aligned the Third Party Risk team to schedule and perform control due diligence reviews of the Third Parties by criticality, greatly improving the efficiency of managing risks to U.S. Bank.
6. While at the bank, I also broaden the scope of the Due Diligence reviews to include controls around information risk and protecting U.S. Bank's PII (Personally Identifiable Information) and other highly restricted data (e.g., Intellectual Property).
7. While at the bank, I also introduced and implemented real time monitoring of the most critical vendors, leveraging the PESTLE Framework (Political, Economic, Sociocultural, Technological, Legal, and Environmental), permitting U.S. Bank to proactively identify and manage previously unknown third party risk.

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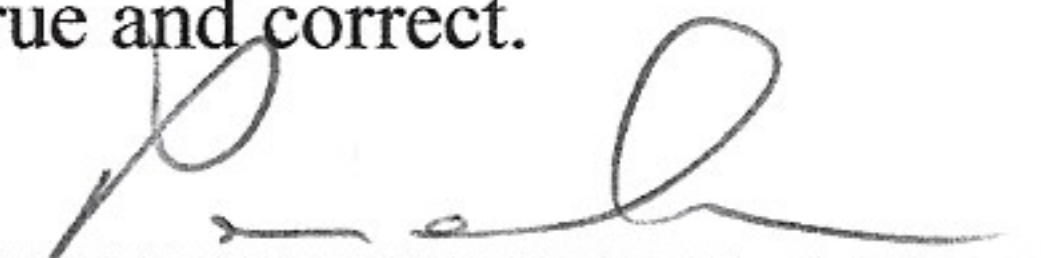
My efforts at U.S. Bank were critical in successfully resolving the outstanding OCC concerns and addressing internal concerns from the risk, control, and audit groups.

8. I deny Bryan Bolton's contention regarding tension with Rachel Votel. I am not aware of any issues that Ms. Votel had with me nor that I had with her, nor have I acted in an unprofessional manner towards her during our meetings or otherwise. I do not recall ever being rude to Ms. Votel during a call or otherwise.

9. I am aware of the testimony of Lydia Buster in this litigation, and deny having any conversations with her surrounding my ethics line complaint. I also deny having ever referred to my ethics hotline complaint as an "insurance policy" to Lydia Buster, or stating anything of that nature.

10. At the time of my termination, there were two open positions within Bryan Bolton's team. Based upon my review of the position openings and what I understood about the positions during my employment at U.S. Bank, I was absolutely qualified to hold either position.

I declare under penalty of perjury that the foregoing is true and correct.


Mark Pannek

Dated: 11/3/21

Mark Pannek

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Summary MBA with Senior Management, Risk, Compliance, Audit, and Third Party Risk (Domestic / International) experience. My skill set includes Management, IT Risk, Operational Risk, Financial Risk, Third Party Risk Management, Third Party Due Diligence, Third Party Regulatory Compliance, Privacy, Control Environment Reviews, Regulatory Compliance (e.g. GLBA, HIPAA, Sarbanes-Oxley etc.), P&L Responsibility, Information Security, & Audit. Qualified expertise providing Strategic Leadership, Directing Global & Domestic IT Risk and Third Party / Vendor Risk Programs.

Work Experience **VP – Business Technology Control Group Manager** **8/2017 – current**
U.S. Bank

- Leadership of Third Party Oversight Group for Lending Services
 - Third Party On-Boarding Due Diligence, Suspensions, and Terminations
 - Ongoing management / monitoring of Third Parties (e.g. Regulatory, Contractual, Performance, Controls)
 - Strategic Management of Third Party Network Size, Coverage, and Selection
- Leadership of Data Loss Prevention and Tool Risk Governance
 - Review of PII in motion, storage, and disposal
 - Protocols, Encryption, and configuration of Data Transmissions In/Out
- Leadership of Governance and Control Program Infrastructure
 - Development, configuration, and implementation of robotics and control automation
 - Environmental & Infrastructure Analysis -- AI (e.g. Voice Analytics)

IT Standards & Compliance Leader **2/2014 – 8/2017**
Synchrony Financial (Formerly GE Capital)

- Identified and resolved Regulatory IT Compliance issues associated with GE's IPO of Synchrony Financial
- Advised on IT Compliance related matters associated with de-coupling systems from GE and standing up new systems associated with GE's IPO of Synchrony Financial
- Managed OCC IT Regulatory Exams and MRA's
- IT Risk Program Management - 3rd Party Service Provider
- Developed and implemented numerous IT Policies, Standards, and Procedures (ie. Change Management, Project Management, Info Security, Third Party, etc)

Governance, Risk, & Compliance (GRC) Executive Consultant **3/2012 – 2/2014**
Tier I – Financial & Healthcare (on Contract: Citi Bank, CareSource)

- Developed & Directed Third Party Risk Program including Control Assessments, Enterprise Policies and Standards, Real-Time Monitoring of Vendors, Tracking, and Reporting
- Resolved Regulatory MRAs and compliance gaps with for Tier I Financial Institutions regarding Global Third Party Risk Program of 20,000+ Vendors
- Directed numerous HIPAA Compliance initiatives

Enterprise Risk & Governance, Principal Leader **10/2010 -- 03/2012**
Computer Science Corporation (CSC), Beavercreek OH

USAF Expeditionary Logistics for the 21st Century (E-Log21) is one of the largest military contracts in the US focused on modernization of the US Air Force logistics & material infrastructures.

- Risk Management (Financial, Program, & Technology) -- Identification, Analysis, and Mitigation
- COOP - Continuity of Operations Planning (Disaster Recovery/Business Continuity) with NWRM (Nuclear Weapons Related Material) considerations
- Outsource Service Provider (OSP) / 3rd Party Service Provider - IT Risk Program Management
 - Directed Joint (AF/CSC) OSP/3rd Party IT Risk Program
 - Strategic Oversight and execution of 3rd Party Providers Due Diligence & Ongoing IT Risk Reviews

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- Coordinated and Conducted Briefings & Status Meetings for Top Level Department of Defense (DOD), Pentagon, & Air Force (MGen. , BGen. , Col.) Leadership
- Served as Co-Chair on Joint Risk Review Board providing oversight for AF/CSC Risk Mgt Program

Risk Management - Institutional Advisory Services
Enterprise Risk Management, Cincinnati OH

04/2005 -- 10/2010

- Provided professional Enterprise Risk Management advisory services, specializing in Operational Risk, Financial Risk, & IT Risk. Client concentration in Large Cap US Financial Institutions.
- Design, Developed, Implemented Strategic OSP/3rd Party IT Risk Programs for various Institutions
- Ensured Regulatory Compliance (both domestic and International) for OSP/3rd Party Service Providers
- Managed Global Team responsible for IT Risk associated with OSP both Domestic & International

Vice President, Enterprise Risk Management
Fifth Third Bank, Cincinnati OH

12/2003 - 4/2005

- Enterprise responsibility for directing IT Risk Governance program for bank, which included Operational & IT Risk Management, Info Security, Loan Operations, Fraud Management, Outside Service Providers (OSP's).
- Outsource Service Provider (OSP) / 3rd Party Service Provider - IT Risk Program Management
 - Directed the Enterprise Vendor IT Risk Program for OSP/3rd Party
 - Strategic Oversight and execution of OSP / 3rd Party Providers Due Diligence & Ongoing IT Risk Reviews
 - Ensured Regulatory Compliance (both domestic and International) for OSP/3rd Party Service Providers

Vice President, IT Risk Management
JP Morgan Chase, Dallas TX

9/1997 - 12/2003

- Global responsibility for IT Control Governance program for Investor Services Division
- Managed IT Risk associated with JP Morgan Chase Investor Services applications used in the daily settlement & clearance of \$1 Billion in Securities.
- Strategic Oversight and Escalation for recovery efforts associated with World Trade Center Tragedy for GIS.
- Outsource Service Provider (OSP) / 3rd Party Service Provider - IT Risk Program Management
 - Design, Developed, Implemented the Strategic OSP/3rd Party IT Risk Program for Investor Services
 - Directed Global Team responsible for IT Risk associated with OSPs both Domestic & International

Education

Amberton University, Dallas, TX

- BA (GPA = 3.75 / 4.0)

Amberton University / MBA, Dallas, Texas

- MBA, Strategic Leadership (GPA = 3.55 / 4.0)

Skills

- | | | |
|-----------------------|-----------------------------|-------------------------|
| - Banking | - Information Security | - Privacy |
| - Business Continuity | - International Risk Mgt | - Profit & Loss Mgt |
| - Compliance | - IT Risk | - Regulatory Compliance |
| - Consumer Loan Ops | - Management | - Risk Management |
| - Disaster Recovery | - Mortgage Loan Operations | - SSAE-16 / ISAE-3402 |
| - Enterprise Risk | - Negotiations | - SDLC - Change Mgt |
| - FFIEC | - Operational Risk | - Strategic Leadership |
| - Fraud Management | - Outside Service Providers | - Systems |
| - GLBA | - Due Diligence | - Third Party Risk Mgt |
| - HIPAA | - Outsourcing | - Vendor Risk Mgt |